

CITY COUNCIL MEETING
February 11, 2014
7:00 P.M.

After the study session, the Council President called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Eairleywine, Stange, Kuhns, Bixby, Anderson, Johnson and Navarrette present – 7 present, 1 absent.

Moved by Council Member Anderson, seconded by Council Member Navarrette to open the public hearing on annexation of areas north of 23rd Street, along Luther, Johnson and Morningside Road. Roll call vote: 7 ayes. Motion carried.

Nick Lamme, attorney for Williams Ag, stated Williams Ag is opposed to annexation of any of its property north of 23rd Street for the following reasons: would not make the land shovel ready nor would it speed up development; all of the property is farm land and not suburban or urban in nature; no benefit to the land; increase in taxes due to loss of green belt status; comp plan didn't list or identify as land that should be annexed; Fremont wasn't going to develop north rather it would develop east or southeast. He also stated the family has a long history of promoting economic development.

Marlin Brabec, representing Don Peterson and Associates, Connie Barron, LuAnn and Gary Ehmcke, Diers, stated opposition to annexation due to loss of green belt status resulting in tax increases and therefore no tax benefit to own the ground. He also stated there are plenty of lots available and annexation really gives a bad feeling between developers and the city.

Lloyd Brooks, CPA, at the request of the Diers family, reviewed the economic effects of the proposed annexation to the City of Fremont of various parcels of land currently used for ag purposes. He stated the annexation would result in a negative realized rate of return to the landowner due to the loss of green belt status and increased taxes. Mr. Brooks stated the annexation would place an undue hardship on the landowner once it was annexed.

Tom Thomsen, attorney representing the Diers family, stated the Diers family is in opposition to the annexation for the following reasons: cash rents would be less than the real estate taxes and no other cities he checked annex in this manner. Mr. Thomsen stated the comp plan compliments the City on successfully effectively managing growth by growing in a methodical and contiguous manner. He stated the Diers family is willing to do annexation agreements and that by having these agreements, SID's can be avoided. Mr. Thomsen discussed the development that the Diers family has already completed and that they want to work with the City to bring businesses, jobs and residents to Fremont.

Chuck Diers, representing the Diers family, spoke in opposition to the annexation for the following reasons: comp plan does not call for annexation of this nature encompassing almost 1,050 acres; Chamber of Commerce new homes built statistics do not support the need; other businesses moving further into the City instead of building east; City of Fremont already maintains control of development in its two mile jurisdiction thru zoning and subdivision rules and regulations. Mr. Diers further stated that currently there are twenty four residential lots in Deer Pointe and eleven commercial lots are platted and ready to sell. Mr. Diers stated the City and the developers need to work together and is agreeable to regular meetings to discuss the development strategy.

Charlie Diers, representing the Diers family, spoke in opposition to the annexation and stated the economy has gotten better only in primary markets such as larger cities not in the secondary cities and that he would like to see development in Fremont also.

Dave Mitchell, representing PCD LLC, spoke in opposition to the annexation of 15.2 acre tract (tract twelve) for the following reasons: property is bounded on the west, north and east by cropland and will continue to be farmed; good use of the old Menards parking lot with Sid Dillon vehicle inventory; loss of green belt status and higher taxes; and, the City of Fremont is not growing to the North but rather towards Omaha.

Bob Hillis, representing the Koyen family, spoke in opposition to the annexation of land in tract six for the following reasons: currently farm land with the possibility in the future it might be an industrial tract; tax ramifications; comp plan does not identify this parcel to be annexed in the next twenty years; clear hardship on the Koyen family. He stated annexation should occur when the property is developed and if annexed today it would do nothing to spur development but rather it would hurt development because it hurts developers.

Craig Corn stated he strongly objects to the annexation plan. He stated Fremont has always been pay as you go system and that it has worked for years. He further stated that much of the land that has been annexed to date into the City has been done so graciously by the Diers, Williams Ag and others that are involved.

Angela Perkins, 2745 Eastgate, spoke in opposition to annexation for the following reasons: surrounded by crop land on all four sides with three not interested in being developed; no service by utilities, fire police or street; no benefit to property owners.

Cathy Wrich, 2902 Eastgate, opposed to the annexation.

Rick Lodl, 2594 Eastgate, opposed to the annexation.

There being no further testimony, moved by Council Member Johnson, seconded by Council Member Navarrette to close the public hearing on annexation of areas north of 23rd Street, along Luther, Johnson and Morningside Road. Roll call vote: 7 ayes. Motion carried.

Moved by Council Member Navarrette, seconded by Council Member Kuhns to introduce an Ordinance annexing a parcel of land located in NW ¼ 18-17-9 (tract one of annexation study). Roll call vote: 6 ayes, 1 abstain (Bixby), 1 absent (Hoppe). Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance annexing a parcel of land located in NW ¼ 18-17-9 (tract one of annexation study). Moved by Council Member Navarrette, seconded by Council Member Johnson to amend the ordinance by striking the property that lies north of the Rawhide, east of Luther and all the way to what is now developed to include everything south of Rawhide. Roll call vote: 6 ayes, 1 abstain (Bixby), 1 absent (Hoppe). Motion carried. The second reading, as amended, will be at the next regular Council meeting.

There being no motion to introduce, Ordinance annexing a parcel of land located in SW ¼ 18-17-9 (tract two of annexation study) died.

There being no motion to introduce, Ordinance annexing a parcel of land located in SE ¼ 18-17-9 (tract three of annexation study) died.

Moved by Council Member Stange, seconded by Council Member Eairleywine to introduce an Ordinance annexing a parcel of land located in NE ¼ 19-17-9 (tract four of annexation study). The second reading will be at the next regular Council meeting.

Moved by Council Member Stange to introduce an Ordinance annexing a parcel of land located in NE ¼ NW ¼ 19-17-9 (tract five of annexation study). There being no second to the motion, ordinance died.

There being no motion to introduce, Ordinance annexing a parcel of land located in SE ¼ 19-17-9 (tract six of annexation study) died.

Moved by Council Member Navarrette, seconded by Council Member Kuhns to introduce an Ordinance annexing a parcel of land located in NW ¼ SE ¼ 7-17-9 (tract seven of annexation study). Roll call vote: 7 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance annexing a parcel of land located in NW ¼ SE ¼ 7-17-9 (tract seven of annexation study). Moved by Council Member Navarrette, seconded by Council Member Johnson to amend the Ordinance to include only a tract that would go on the west side of Diers Parkway to include the corridor going north necessary to meet that corridor requirement for Ritz Development and to strike the remainder of tract seven. Roll call vote: 7 ayes. Motion carried. The second reading, as amended, will be at the next regular Council meeting.

There being no motion to introduce, Ordinance annexing a parcel of land located in SW ¼ 8-17-9 (tract eight of annexation study) died.

There being no motion to introduce, Ordinance annexing a parcel of land located in SW ¼ 8-17-9 (tract nine of annexation study) died.

There being no motion to introduce, Ordinance annexing a parcel of land located in SW ¼ 7-17-9 (tract ten of annexation study) died.

There being no motion to introduce, Ordinance annexing a parcel of land located in NW ¼ 17-17-9 (tract eleven of annexation study) died.

There being no motion to introduce, Ordinance annexing a parcel of land located in SE ¼ 12-17-8 (tract twelve of annexation study) died.

Moved by Council Member Anderson, seconded by Council Member Navarrette to approve the consent agenda. Roll call vote: 7 ayes. Motion carried.

- Dispense with and approve January 28, 2014 and February 1, 2014 minutes
- January 29 – February 11, 2014 claims
- Resolution No. 2014-021 approving consumption of alcohol on city property for Josh Jarosz, Christensen Field, March 1, 2014, banquet

- Appoint Cecelia Harry to Airport Advisory Committee for an unexpired term ending June 2016
- Resolution No. 2014-022 approving Non Class C liquor license renewals
- Reappoint Ann Prince to Park Board for a three year term ending January 2017
- Resolution No. 2014-023 recertifying Greater Fremont Development Council as a Nebraska Development Certified Community Program
- Resolution No. 2014-024 certifying Northeast Nebraska Community Action Partnership Inc. to receive State assistance
- Resolution No. 2014-025 approving Keep Fremont Beautiful request to place recycling collections carts in various city parks
- Resolution No. 2014-026 approving MainStreet of Fremont request to use John C. Fremont Park for Easter egg hunt April 12, 2014
- Report of the Treasury
- Resolution No. 2014-027 to amend Transfer Station fees effective February 14, 2014
- Fire Department annual report
- Resolution No. 2014-028 to award contract for uniform rental to Jackson Services Inc.
- Tort claim of Nathan Parr, 406 East 18th
- Resolution No. 2014-029 approving Fremont Volunteer Fire Department Trust Fund distribution
- Approve grant application for police radars

Moved by Council Member Kuhns, seconded by Council Member Johnson to introduce an Ordinance relating to electric rates. Roll call vote: 7 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance amending electric rates. Moved by Council Member Eairleywine, seconded by Council Member Anderson to suspend the rules and place on final reading. Roll call vote: 7 ayes. Motion carried.

The City Clerk gave the final reading, by title only, of an Ordinance amending electric rates. Roll call vote: 7 ayes. Ordinance No. 5294 passed.

The Council President announced the next meeting would be February 25, 2014.

Moved by Council Member Eairleywine, seconded by Council Member Kuhns to adjourn the meeting. Roll call vote: 7 ayes. Motion carried. Meeting adjourned at 7:44 p.m.

I, Kimberly Volk, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Kimberly Volk, MMC, City Clerk